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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,707	07/22/2003	Matthew Howard Haga		3645

7590 04/05/2006

Russell D. Culbertson
Building One, Suite 360
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Austin, TX 78746



EXAMINER

COBURN, CORBETT B

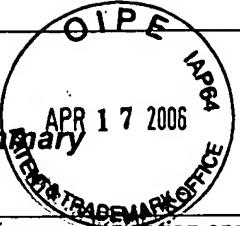
ART UNIT

PAPER NUMBER

3714

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)
	10/624,707	HAGA, MATTHEW HOWARD
Examiner	Art Unit	
Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935.C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

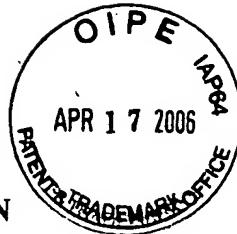
Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____ |
|--|---|



DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 23-25, 28-30 & 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamille (US Patent Number 5,996,997).

Claims 23, 29, 34: Kamille teaches a device and method for validating scratch-off lottery tickets where the game ticket includes a number of game-play outcomes. Kamille receives a ticket and detects whether a game ticket inserted at the player station includes a cover (Col 12, 6-14). Kamille teaches reading machine-readable game play information specifying the game play outcomes (i.e., verification code 901) represented by the result codes formed on the ticket. (Col 12, 30-41) The system inherently disables the player station from displaying gaming results associated with the game ticket in the event that the step of detecting whether the game ticket includes the cover indicates that the cover is present on the game ticket – if the cover has not been removed (i.e., the ticket has not been played) it is not possible to display game results. This in spite of the fact that the potential outcomes are determined by the machine using verification code (901). The system has the programming, sensors, and the processor necessary to carry out these functions. Kamille teaches displaying the gaming results associated with the game ticket at the play station in the event that the cover has been removed from the ticket.

(Col 15, 40-45) Displaying the gaming results associated with the game ticket includes displaying each game outcome of the number of game play outcomes.

Claim 24: The step of detecting whether the game ticket includes the cover inherently includes producing a cover sensor output at a cover sensor. The sensor must produce some output if the cover is removed in order to score the game.

Claims 25, 30: The cover sensor is an optical sensor. (I.e., barcode scanner.)

Claims 28, 33: The step of detecting whether the game ticket includes the cover includes the step of attempting to detect a feature located on a substrate of the game ticket – the device reads the revealed barcodes. See Figs 9A & B and discussion thereof.

Claim 35: Kamille teaches an electrical system (Fig 13) for reading the tickets. This device has sensors to detect various levels of resistance, conductivity, etc. (Col 14, 25-27) Thus, the cover sensor and orientation sensor output comprises a signal residing at either a first signal level or a second signal level.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26, 27, 31 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille as applied to claim 23, 24 or 29.

Claims 26, 31: Kamille teaches an optical and an electrical sensor, but does not teach a magnetic sensor. Applicant discloses the magnetic sensor as equivalent to an optical

sensor. (Paragraph 0007) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to include a magnetic sensor instead of an optical sensor because they are equivalent components.

Claims 27, 32: Kamille teaches attempting to detect a feature located on a substrate of the game ticket but does not teach that the step of detecting whether the game ticket includes the cover includes the step of attempting to detect a feature located on the cover. Applicant discloses these as equivalent methods. (See paragraphs 0008 & 0009.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to attempt to detect a feature located on the cover instead of attempting to detect a feature located on a substrate of the game ticket because these are equivalent methods.

Response to Arguments

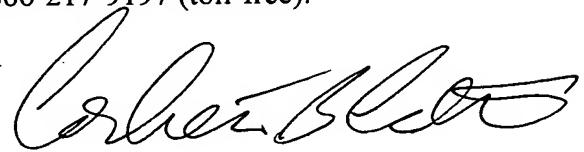
5. Applicant's arguments filed 14 March 2006 have been fully considered but they are not persuasive.
6. The arguments are drawn to the claims as amended and answered in the rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Corbett B. Coburn
Primary Examiner
Art Unit 3714

**CORBETT B. COBURN
PRIMARY EXAMINER**

